

MINUTES

For a regular meeting of the Pittsfield Town Council held on Tuesday, July 29, 2008 at 7:30 pm in the Council Chambers.

PRESENT: COUNCILORS: Mayor Tim Nichols, Deputy Mayor Wayne Fotter, Michael Gray, Gary Jordan, Jr. and Michael Cianchette. **ABSENT:** Donna Chale and Louise Baker. Also present: Town Manager Kathryn Ruth and Town Clerk Nicole Nickolan. Audience members included: Donnie Hallenbeck, Scott Noble, Mike Lange, Sharon Mack, Joel Elliot, Dwight Dogherty, Commissioner Phillip Roy, Ann McGowan, Lyn Smith, Doug Frati and others.

1. **Mayor Nichols** opened the meeting by leading the **Pledge of Allegiance**.
2. **Adoption of Minutes** of the Regular Meeting on July 15, 2008.

Moved by **Councilor Cianchette** and seconded by **Councilor Gray** that the Minutes of the Regular Meeting on July 15, 2008 be adopted.

VOTE: UNANIMOUS AYE

3. **PRESENTATIONS, CONGRATULATIONS AND INTRODUCTIONS:**
4. **PUBLIC HEARINGS/OLD BUSINESS:**

- a. **ORDINANCE 08-13:** (Public Hearing) That the Town Council hereby Ordains to appropriate \$200,000 from Unappropriated Surplus to be applied toward the 2008 Tax Commitment to help reduce taxes from the impact of the County Tax.

There was no one who wished to speak in favor of Ordinance 08-13.

Dwight Dogherty was in the audience to speak in opposition of Ordinance 08-13 as a former Town employee and the current Chairman of the Somerset County Budget Committee. Mr. Dogherty recognizes the importance of having a good undesignated fund balance locally. The rule of thumb he followed was 2 ½ to 3 months of expenditures. This allows you to maintain the credit rating and gives the Town operating capital to avoid excessive borrowing. He feels spending it for this purpose is not a wise move because the Budget Committee identified all the places this budget could be reduced. These items were discussed in detail. Mr. Dogherty warned that many of the funds that were available this year to reduce the budget would not be available for the next budget. This will considerably increase next year's budget, making the bill even steeper.

Commissioner Phillip Roy was in the audience to speak in opposition of Ordinance 08-13. The Commissioner stated he would like to mimic the exact words of Mr. Dogherty. There was one correction he would like to make. The county correction funds will still exist, however it will lower the Town's jail operation assessment.

Although this is a very expensive operation and a huge increase, Commissioner Roy stated he does not suggest passing this Ordinance.

The Town Manager noted one of the reasons this was contemplated was because the County requested the Town decide if we wanted to pay the half-year bill in one, two, three, four or five payments. The full \$200,000 is if we paid in one payment. Since the County is now requesting that the Town not choose one to five years and instead pay over five years, the Town does not need to utilize the full \$200,000.

The Town Manager noted if we were not going to pay the \$151,000 payment up front as contemplated due to the County's request, the County tax is still over \$200,000 higher. The Town Manager suggests taking \$50,000 from the unappropriated surplus to help taxpayers with that increase. The unappropriated surplus account is in very good shape as we recently heard from the auditor.

Councilor Gray questioned what kind of an effect would not using the money have on the Town. The Town Manager stated the taxes would definitely go up. \$50,000 from the surplus was estimated to lower the projected tax rate about .30 of a mil bringing it in under \$23.00/1,000 value. After some discussion the Council felt there was no benefit to take money out of the unappropriated surplus.

Public Hearing was closed.

There was no motion made. Ordinance dies.

Commissioner Roy offered a tour of the new county facility to any of the municipal officers or staff on any Tuesday after 12:00.

- b. **ORDINANCE 08-14:** (Public Hearing) That the Town of Pittsfield hereby Ordains the repair and/or replacement of sewer mains and manholes on several sections of roads in the Town, which may include but not be limited to Main Street, West Street and/or Hamilton Cross Country, and in order to finance costs of such project, the issuance of general obligation bonds and/or notes in a total aggregate principal amount not to exceed \$208,875 is hereby authorized. The bonds and/or notes shall be executed in the name of the Town by its Treasurer and countersigned by the Mayor of the Town, and the Mayor and Treasurer are authorized to determine the date, maturities, denominations, interest rate(s), place of payment, purchaser, form and other details of such bonds and/or notes, including any provisions making the same redeemable or callable, with or without premium, prior to maturity, and are further authorized to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the bonds and notes hereinabove authorized, including execution of any arbitrage, use of proceeds, signature, no litigation and other certificates, and other documents as may be necessary or appropriate in connection with the sale of the bonds or notes.*

There was no one who wished to speak in favor or in opposition of Ordinance 08-14. Public Hearing closed.

Moved by **Councilor Jordan** and seconded by **Councilor Gray** that Ordinance 08-14 be adopted.

The Town Manager noted Plymouth Engineering has completed the plans for these three projects. The engineering firm recommends that we get these projects done as soon as possible as they would not do well in wet weather in late October – November.

We know that this is just the tip of the iceberg on sewer lines to repair and will know more once we receive the results of the Sewer Flow Study under commission from Oliver Associates. These are the areas, which are creating significant trouble:

First project – Main Street – has backed up before. This is on private property and we have not had the ability to fix it. We now have almost all the easements and Scott is working on the last one needed.

Second project – West Street – has had problems over the years and we have replaced pieces. We need to fix this once and for all.

Third project – Hamilton Cross Country – the line is actually now out of the ground and in the shape of a triangle. We are acquiring easements.

VOTE: UNANIMOUS AYE

5. REPORTS: TOWN MANAGER, FINANCE, ORDINANCE & RECYCLING COMMITTEES:

Town Manager's Report: Town Council Meeting of 07/29/2008:

1. The FYI Folder: The FYI Book contains the following items this week: List Read

2. Community Pool Open: The new Swimming Pool is now open with the Children's Swimming Lessons from 8:00 am – 11:00 am & 12:00 pm – 3:00 pm M-F. Public Swim is from 4:00 pm – 7:00 pm M-F and 1:00 pm – 4:00 pm Saturdays. The Committee is still raising funds – when you go down to the pool you will see a large area adjacent to the pool that can be a patio area for the children, adults and guests who want to watch the swimming.

3. Somerset County Transition Team: The next meeting of the group which functions as a clearing house of information, sponsors job fairs with other entities and provides a strategy to address layoffs will be meeting on Wednesday, August 06, 2008 at 9:30 am in the Town Council Chambers.

4. Pittsfield Farmers' Market: The Farmers' Market is going strong rain or shine from May 1 – October 30 at Hathorn Park every Monday and Thursday from 2:00 p.m. – 6:00 p.m. Several Farms are involved. More information is available from www.pittsfieldfarmersmarket.org or you can pick up a brochure at the Town Office.

5. 504 Home Repair Program: There is financial assistance available for home weatherization from the USDA. The 504 Program has grants and low interest loans available for income qualified homeowners. 504 loan funds can be used for repair or purchase of a well and/or septic system; replace or repair roof; replace doors and/or windows and/or insulation; update or purchase of a central heating system; make the

home accessible for a disability or remove health and safety issues; update/install electrical; repair foundation; replace siding and multiple other repairs. This is for families or individuals who own their own land and dwelling and need to remove health and/or safety hazards; have an adjusted annual family income that does not exceed the very low income limit for household size and county; cannot obtain needed credit through conventional sources or other assets; U.S. Citizens or qualified aliens and must be an elderly family – at least one applicant must be age 62 or older. Contact the United States Department of Agriculture at their Bangor Office (207) 990-3676, ext. 4.

Finance Committee: No Report.

Ordinance Committee: No Report.

Recycling Committee: No Report.

6. **NEW BUSINESS:**

- a. **RESOLUTION 08-101:** Resolved that the Town Council Approve the Request for Proposals for borrowing for the financing of the Repair and Replacement of Sewer Facilities in an amount to not exceed \$208,875.00 and authorize the Town Manager and Assistant Treasurer to seek bids.

Moved by **Councilor Gray** and seconded by **Councilor Cianchette** that Resolution 08-101 be adopted.

The Town Manager noted this is a necessary process to acquire the bids.

VOTE: UNANIMOUS AYE

- b. **RESOLUTION 08-102:** Resolved that the Town Council Approve the Request for Proposals for the Repair and/or Replacement of Sewer Mains and Manholes on sections of Main Street, West Street and Hamilton Cross Country and Authorize the Town Manager and Assistant Water/Sewer Superintendent/Plant Manager to seek proposals for same.

Moved by **Councilor Cianchette** and seconded by **Councilor Gray** that Resolution 08-102 be adopted.

The Town Manager noted the Councilors received a supplemental package with excerpts from the Sewer RFP that we received on Friday, 07/25/2008. I attached a timetable of steps to the front of the RFP, which will reflect the dates to be utilized.

We will place the ad in the newspaper and forward copies of the Invitation to Bid to an Interested Contractors list.

VOTE: UNANIMOUS AYE

- c. **RESOLUTION 08-103:** Resolved that the Town Council accept the bid of Nickerson & O'Day, Inc. of Bangor, Maine in an amount not to exceed \$ 163,850.00 for the Pittsfield Public Library Historic Preservation Lower Level Renovations Project and authorize the Town Manager to execute the contract for same.

Moved by **Councilor Gray** and seconded by **Councilor Jordan** that Resolution 08-103 be adopted.

The Town Manager noted the Town Council received a copy of the bid opening results, the low bidder's paperwork, and the recommendation from Kleinschmidt and Cianbro to award the project to the low bidder.

This project is financed in part with CDBG funds.

The low bidder has asked for a number of changes to the contract and since the contract was part of the bid package the only changes that can happen are corrections or clarifications if a provision of the contract happens to contradict with another part of the specifications.

Doug Frati was in the audience. He noted that he was with the Cianbro representative when the cost estimates were put together. The restoration work that is being done now on the Library also came in at about half of the projected cost. Mr. Frati stated that many questions were asked during the two weeks before the bid award. He noted the only ones asking questions were Nickerson & O'Day.

VOTE: UNANIMOUS AYE

- d. **RESOLUTION 08-104:** Resolved that the Town Council Approve the recommendation of the Engineering Consultants and Library Building Chairman that the Town Manager be authorized to approve change orders in accordance with the July 23, 2008 Kleinschmidt correspondence.

Moved by **Councilor Jordan** and seconded by **Councilor Cianchette** that Resolution 08-104 be adopted.

The Town Manager noted Kleinschmidt and Cianbro recommend that the Town Council authorize a procedure for reviewing and accepting change orders. This process was briefly reviewed. This is being recommended to streamline the process.

The pros are that it will make the project move faster. The cons are that in most cases when this type of procedure is set up, there is a tendency to have more change orders. Currently, all change orders for contracts need to go through the Town Council.

I have advised the group that I have only approved 1 change order in many years. I usually state that the change orders have to go through the Council, provide the due date for the materials and then never receive them.

VOTE: UNANIMOUS AYE

- e. **RESOLUTION 08-105:** Resolved that the Town Council Approve the Renewal of the Special Amusement Permit for the Sebasticook Valley Lodge of Elks.

Moved by **Councilor Cianchette** and seconded by **Councilor Jordan** that Resolution 08-105 be adopted adding the phrase, approved subject to corrective action on issues identified by the Code Enforcement Officer.

The Town Manager noted in 2006, the Building Inspector found issues that needed corrections also and the permits were “approved subject to corrective action on issues identified by the Code Enforcement Officer.” We called the Elks Lodge today and we were informed that they have fixed most of the issues found this year. We can again approve it subject to corrective action, if the Council chooses.

VOTE: UNANIMOUS AYE

- f. **RESOLUTION 08-106:** Resolved that the Town Council Approve a renewal application for a liquor license for the Seabasticook Valley Lodge of Elks at 140 Middle Street, Pittsfield, Maine 04967.

Moved by **Councilor Cianchette** and seconded by **Councilor Jordan** that Resolution 08-106 be adopted.

VOTE: UNANIMOUS AYE

- g. **RESOLUTION 08-107:** Resolved that the Town Council Authorize the Town Manger to sign the blanket approval letter to the Department of Public Safety, Licensing and Inspections Unit, for Seabasticook Valley Lodge of Elks to have games of chance, video poker and beano/bingo. This letter will expire 12/31/2012 and will be renewable at that time.

Moved by **Councilor Jordan** and seconded by **Councilor Gray** that Resolution 08-107 be adopted.

Councilor Gray noted that he thought they had made video poker illegal. The Town Manager noted that this is a blanket letter and they may not have all the items listed in the letter. We will call the State again and check before submitting the letter to the Elks Lodge.

VOTE: UNANIMOUS AYE

- h. **RESOLUTION 08-108:** Resolved that the Town Council Authorize the Transfer of an airport lease agreement between the Town of Pittsfield and Central Maine Skydiving Inc. from Daniel Dyer to Patrick Brown.

Moved by **Councilor Gray** and seconded by **Councilor Cianchette** that Resolution 08-108 be adopted.

The Town Manager noted Mr. Dyer has sold his business in full to Mr. Brown. The business will remain under the same name: Central Maine Skydiving Inc.

The transfer is subject to all of the terms and conditions of the lease agreement for the area at the Pittsfield Municipal Airport. As this is a transfer of a current lease, we do not need an ordinance or public hearing.

VOTE: UNANIMOUS AYE

- i. **RESOLUTION 08-109:** Resolved that the Town Council Approve the payment of the monthly disbursements in the amount of \$174672.86 (July 2008) and \$174672.92 (August 2008-June 2009) to SAD #53 for its fiscal year beginning July 1, 2008 and ending June 30, 2009, for a fiscal year total of \$2,096,074.98, which represents the Town of Pittsfield's share of SAD #53's local appropriation funds.

Moved by **Deputy Mayor Fotter** and seconded by **Councilor Gray** that Resolution 08-109 be adopted.

The Town Manager noted this is the SAD #53 assessment to the Town passed by the voters. In order to make monthly payments in a timely fashion, the Town Council authorizes the payment after the assessment and we make payments on a regular basis each month. This is a housekeeping item.

VOTE: UNANIMOUS AYE

- j. **RESOLUTION 08-110:** Resolved that the Town Council Approve the payment of weekly payroll checks in accordance with the following accounts: Personnel services (01-05 Regular; 01-10 Overtime; 01-15 Part-time; 01-20 Supply Operation, 01-25 Salaries-Supply maintenance, 01-30 Salaries-Distribution Maintenance and 01-35 Salaries-Customers accounts and 01-40 FICA).

Moved by **Councilor Cianchette** and seconded by **Councilor Jordan** that Resolution 08-110 be adopted.

The Town Manager noted in order to process the weekly payroll in a timely fashion and release the checks, the Town Council votes on this authorization once per year. We could vote on it each January as our budget runs on the calendar year, however, we need to process the School Assessment authorization by the State fiscal year, so we process both of them the same time each year.

VOTE: UNANIMOUS AYE

- k. **RESOLUTION 08-111:** Resolved that the Town Council Approve the Transfer of \$50,183.81 from Tax Acquired Property Sale (G-01-639-00) to the Economic Development Revolving Loan Fund at Merrill Bank (G-04-110-00) to reimburse the fund for an Economic Development Revolving Loan Default in the 1990's.

Moved by **Councilor Gray** and seconded by **Councilor Cianchette** that Resolution 08-111 be adopted.

The Town Manager noted this issue began in the 1990's with the default of an economic development loan and non-payment of property taxes resulting in foreclosure of taxes. Basically, we came to agreement with all of the parties late last year and received the releases this year. The Town has \$50,183.81, which is the amount that was owed to the

Economic Development Revolving Loan Fund (without interest past the actual foreclosure date) and the idea was if the property was ever sold that the Town foreclosed upon back in 1999, that the proceeds would go back to the Economic Development Revolving Loan Fund.

The Auditors requested that we have a formal vote on the record for this transfer.

VOTE: UNANIMOUS AYE

7. **DISCUSSION ITEMS:**

Discussion Items:

1. Update on Water Project: Water Meter Replacement and Automated Meter Reading System (AMR)

Water Project: Water Meter Replacement and Automated Meter Reading (AMR System):

Master meters for the Mobile Home Parks was an integral part of the Water Meter Replacement and Automated Meter Reading Program approved by the Town Council in late 2005. Due to vacancies, the Superintendent at the time leaving, other work and the difficulty in scheduling the appointments, the installation of the meters has been a slow process.

The Master Meter was approved by the Town Council for several reasons in 2005: Due to the cost of installing meters at all locations in the community was important, however, also were the liability, resolution of the water loss, resolution of curb stops and other problems in some of the mobile home parks and the list goes on.

Scott did a lot of research and found that some towns master meter and others do not, however, the key seems to be whether the park can meet the Town's requirements or not.

The Town Attorney has drafted Scott's letter into a policy and addressed the PUC's review. This seems to be a reasonable approach if the Town Council would like to provide for exceptions as requested by Mr. Ames at the last meeting.

After much discussion, the Council members did not feel an exception should be made. The Town Council passed this item in 2005 and the Council Members will follow that decision. The Council Members felt that the master meters should be installed by the Town.

2. Update on Sewer Projects: Summer Street (and Summer Court) Sewer Separation Project; Work Plan/Study for Removal of Sludge from Lagoon System; Sewer System Engineering; etc.

Summer Street (and Summer Court) Sewer Separation Project: We are still on schedule for September/October.

Work Plan/Study for Removal of Sludge from the Lagoon System: The Study was authorized and is on-going.

3. Grants Update:

New Grants:

Airport Grants: Design Engineering for Apron Reconstruction: One of the two State reviews of the contract with the engineers has approved the contract.

Brownfields Grant: Cleanup Grant for Eelwier (now known as 8 Mount Road): The intergovernmental review has been received so we can start filling the federal forms online.

CDBG Grant/Public Facilities/Historic Preservation/Library: On the agenda this evening.

FEMA Reimbursements: 04/28 – 05/14/2008: All of our costs were accepted by FEMA for the damage from the last storms and we have received the federal share of the projects. No State share has been received at this time.

L&W Conservation Fund: Swimming Pool Essential Components: When the bathhouse was taken down, these projects have all been on hold until the new bathhouse is completed.

Safe Routes to School, Phase II: MDOT has decided that our original project needs to have curbing for the entire length. We do not have enough funds approved for an addition to the project so we requested additional funds. It is clear now that the project will not take place with all of the steps remaining until well after school begins. We started as soon as we received approval, but with the federal 11 page checklist, it takes many months to get through all the steps. We have received word that the State is looking at approving the project for an additional \$10,000.

Pending Grants:

Airport Grants: Runway Obstruction Clearing: We need to file the last reimbursement request for this project and then it will be closed out.

State Library Grants dedicated to the Library Building Project: Once we start the Renovations downstairs in the Library, some of these grants will be utilized. The windows grant was already utilized.

Grants waiting to be closed:

Airport Grants: Vegetation Plan/Permitting Grant – last reimbursement submitted. Received federal payment, waiting for state payment.

CDBG Grant/Business Assistance: Moosehead Cedar Log Homes – company hired 14 employees as required by the grant, 11 were LMI. Project is completed. Final close-out paperwork has been approved by the State.

Efficiency Maine Business Program – Just received our final payment.

L&W Conservation Fund: Stein Park Renovation Project – waiting for final close-out and payment. This project was completed last May/June, 2007. When the paperwork was sent by the State to the Federal government, there was an error so they are trying to fix it now so that we can receive our final payment.

Closed Grants:

CDBG Grant/Special Projects Matching Funds/GCS – close-out paperwork received. Project Canopy: Mill Pond Loop – final inspection went well and we received our reimbursement.

Other Grant Opportunities:

Economic Development: There are two economic development grants that we are looking at for the Pittsfield Industrial Park. I have meetings set up later this month to explore these grant opportunities.

Municipal Investment Trust Fund: The State received over \$7 million dollars in applications for the available \$1.5 million dollars in the fund so this was a difficult and very competitive process. I have never heard of a project funded with 2 CDBG grants which is what we were trying to do and we were not approved.

The good news is that since the pricing was so good on the 1st CDBG grant for the Historic Preservation – we will be spending a lot less money as our match for the project. The original estimate was \$350,500. We were getting a \$150,000 grant and had to save out \$200,500 as our match. With the pricing coming in at \$163,850, we are required to provide a 25% match only, so we will have \$159,537 freed up. If we write a lot of change orders up to the 25% contingency, we will have \$145,687 freed up.

Riverfront Community Development Bond: This is a new grant request to assist and encourage communities along the river to revitalize their riverfronts in an environmentally sustainable manner and to promote river-orientated community development an enhancement projects.

8. **REPORTS:** Audience, Council

Audience: None

Council:

Councilor Baker: Absent.

Councilor Cianchette: Questioned if there will be swimming lessons at the pool. The Town Manager stated they are currently on-going. Councilor Cianchette stated the pool looks really nice. Wanted to comment on the mowing in Town. It is not up to par and was not presentable for the Egg Festival Parade. The Public Works Foreman has spoken to the contractor. The Town Manager advised that we would send another letter of default.

Councilor Chale: Absent.

Councilor Jordan: Questioned the CDBG Moosehead Grant. Are there still 14 people working in Pittsfield? The Town Manager advised that there were 14 people – but there are not 14 people any longer. There were some lay-offs at both locations. We have talked to the State and there is no violation of the grant. Also, there is a light out on Lancey Street. Wanted to note there is a lot of noise coming from Manson Park and from around the Friends' Building between 1:30 am – 4:30 am Friday through Monday. There has been a lot of 4-wheelers driving down in that area too.

Councilor Gray: Noted there are a few potholes in Town that are really terrible. There is one on the corner of Webb and Crawford Road and one on the corner of Hunnewell and Main Street. The Town Manager advised that the Public Works Department had filled one pothole on our roads and we have called the State on their roads – but they have not been repaired. The Town Manager noted she would check on those again.

Deputy Mayor Fotter: Noted that he has never seen the cemeteries looking so good. Peter is doing a great job.

Mayor Nichols: Questioned what is happening for construction on the Spring Road. He has had a few citizens asking about it. The Town Manager noted it is a large private project. There is a large pond being installed. Wanted to thank Commissioner Roy and Dwight Doherty for coming in tonight. Wanted to mention we lost John Woodcock recently. He was 93 years old. He had been volunteering at the food pantry just 6 months ago. He was a very nice man. Wanted to send condolences to the family. Thank you to Kathryn and all the Town workers for all their hard work.

9. **ADJOURNMENT:**

Moved by **Councilor Gray** and seconded by **Councilor Cianchette** that the meeting be adjourned at 9:10 p.m. All in agreement.

Nicole Nickolan, Town Clerk